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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,645	11/06/2000	Dimitri Kanevsky	13808(YOR920000454US1)	8227

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EXAMINER
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OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/706,645	<b>Applicant(s)</b> KANEVSKY ET AL.	
	<b>Examiner</b> Jonathan Ouellette	<b>Art Unit</b> 3629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 12-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12-16 and 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Claims 5, 11, and 17 have been cancelled, and Claim 24 is added; therefore, Claims 1-4, 6-10, 12-16, and 18-24 remain pending in application 09/706,645.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claim 24 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**
4. Claim 24 discloses a method step wherein a dialogue module establishes a dialogue between the volunteer and person in need prior to the volunteer being selected.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claim 22-24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**
7. Independent Claim 22 recites several limitations to include: “*the* step of establishing *the* first database” and “*the* request”. There is insufficient antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
9. **Claims 1-4, 6-10, 12-16, 18-21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewster et al. (US 5,960,337) in view of Lemelson et al. (US 6,028,514), and further in view of Sutcliffe et al. (US 6,052,122).**
10. As per **independent Claims 1, 7, and 13**, Brewster discloses a method (system, program storage device) of providing help to people, comprising the steps: (a) organizing a network of people/volunteers (service provider) for helping people, each of the people/volunteers (EAS responder) having a portable, wireless communications device (abstract, C5 L25-30, C5 L51-62); (b) establishing a second database identifying a plurality of volunteers, and for each of the volunteers, identifying at least one specific

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emergency (disability) said volunteer (EAS responder – commonly volunteer Firemen or volunteer EMS) is willing to assist (abstract, C7 L5-14); (c) after the second database is established at least one person, using one of the wireless communications devices (mobile phone) to transmit a request for help (abstract); (e) after said one of the volunteers is identified, notifying said one of the volunteers of the request for help via one of the wireless communications devices (abstract, C4 L38-67, C5 L25-30, C5 L51-62, C7 L1-14, C8 L18-41, Claims 15-18); and (f) the matching server (Electronic/computerized version of EAS operator) providing information to *at least one of* (i) said one of the volunteers (EAS Responder – commonly volunteer firemen or EMS), or (ii) the person making the request, to enable said one or the volunteers and the person making the request to physically find and meet each other (providing EAS Responder direction to emergency victim, C4 L57-60).

11. Brewster fails to expressly disclose people with “disabilities” (participating subscriber) nor establishing a first database identifying and having information about a plurality of people with disabilities, identifying at least one specific disability said person has.
12. However, Lemelson does disclose a system for helping people with medical problems (disabilities) and establishing a database having information about the people with disabilities, said information identifying for each of the persons with disabilities, at least one specific disability said person has (C7 L40-67, C8 L1-16).
13. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include people with “disabilities” (participating subscriber) and establishing a first database identifying and having information about a plurality of

people with disabilities, identifying at least one specific disability said person has, as disclosed by Lemelson, in the system disclosed by Brewster for the advantage of offering a method (system, program storage device) of providing help to people with disabilities, with the ability to provide more direct and accurate care to the injured or disabled person, by matching them to a caretaker (volunteer) with the information and skills necessary to most efficiently and effectively help the person in need (Lemelson: C4 L29-49).

14. Brewster and Lemelson fail to expressly disclose using a matching server to use information from the pre-established first and second databases to match the person making the request with at least one of the volunteers, and using the matching server to notify said one of the volunteers of the request for help.
15. However, Brewster discloses forming a database (second database) of emergency personnel/volunteers (EAS responders) and Lemelson discloses forming a database (first database) of people with medical problems, and both Brewster and Lemelson disclose maintaining the databases at an emergency control center which coordinates appropriate assistance to problems (Lemelson: (C4 L46-49), Brewster: Claim 1).
16. Furthermore, Sutcliffe discloses using a matching server to use information from the pre-established first and second databases to match the person making the request (user #1) with at least one of the volunteers (user #2) (Abstract, C7 L64-67, C8 L1-18), and using the matching server to notify both user #1 and user #2 of a match (C8 L13-15).
17. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included using a matching server to use information from the pre-established first and second databases to match the person making the request (user

#1) with at least one of the volunteers (user #2), and using the matching server to notify said one of the volunteers (user #2) of the request for help (a match), as disclosed by Sutcliffe in the system disclosed by Lemelson, in the system disclosed by Brewster, for the advantage of providing a method (system, program storage device) of providing help to people with disabilities, with the ability to increase system effectiveness/efficiency, by allowing the user to integrate and manage information from two separate profile database types and keep users updated on system progress.

18. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the references of Brewster, Lemelson, and Sutcliffe to form one system wherein an emergency operator could match entries from a first (medical information database) and second database (respondent qualifications database) in order to send/notify appropriate personnel to people in need.
19. Finally, although Brewster and Lemelson disclose establishing databases with information describing EAS responders (volunteers) and people with medical problems (disabilities), Brewster, Lemelson, and Sutcliffe all fail to disclose wherein the first database includes: i) a description of the needs of the server, ii) the type of handicap of the person, iii) a history of prior assistance given to the person, iv) a list of volunteers who have helped the person in the past, and v) a description of methods of how to help the person; and wherein the second database includes: i) the name of the volunteer, ii) the skills of the volunteer, iii) services that volunteer can offer, iv) a history of prior help given by the volunteer, and v) a list of people the volunteer has helped.

20. However these differences are only found in the nonfunctional descriptive data and are not functionally involved in the steps recited. The method/system for providing help to people would be performed regardless of the information in the two databases. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
21. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have maintained a plurality of information regarding the volunteers and disabled, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention. The Examiner suggests the Applicant incorporate how the specific information stored in the database is used to determine a match between the volunteers and disabled.
22. As per Claims 2, 8, and 14, Brewster, Lemelson, and Sutcliffe disclose wherein step (c) includes the step of one of the persons with disabilities using one of the wireless communications devices to transmit a request for help to the network; and step (d) includes the step of the network identifying said one of the persons with disabilities to said one of the volunteers via one of the wireless communications devices.
23. As per Claim 3, 9, and 15, Brewster, Lemelson, and Sutcliffe do not expressly show the volunteers providing at least one service selected from the group comprising: i) reading a newspaper or other information to a blind person, ii) translating a conversation into sign language, and iii) bringing requested items to one of the persons with disabilities.



24. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The method of providing help to people with disabilities would be performed regardless of the type of service/help provided. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
25. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the person with a disability a service comprising one of the following: i) reading a newspaper or other information to a blind person, ii) translating a conversation into sign language, and iii) bringing requested items to one of the persons with disabilities, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the service does not patentably distinguish the claimed invention.
26. As per Claims 4, 10, and 16, Brewster, Lemelson, and Sutcliffe disclose using a global positioning system to identify the location of said one of the persons with disabilities, and to identify one or more of the volunteers in the vicinity of said one of the persons with disabilities.
27. As per Claims 6, 12, and 18, Brewster, Lemelson, and Sutcliffe disclose wherein the matching step includes the step of: using a matching server to search the people with disabilities and the volunteers to find a list of candidate volunteers and methods of help; sending a request to each of the candidate volunteers; interacting with the candidate

volunteers to find a final choice volunteer; and sending a final request to the final choice volunteer.

28. As per Claim 19, Brewster, Lemelson, and Sutcliffe disclose wherein the step of using the matching server to identify one of the volunteers includes the step of using the matching server i) to identify several candidate volunteers (search results), ii) to establish dialogues between the person requesting help and the candidate volunteers (C3 L15-20, match data provided to user to establish contact), and iii) on the basis of said dialogues, selecting one of the candidate volunteers to assist the person requesting help.
29. As per Claim 20, Brewster, Lemelson, and Sutcliffe disclose wherein the matching server includes a dialogue module, and comprising the further step of using the dialogue module to establish communications between the volunteer and the person making the request for help (See rejection of claim 19).
30. As per Claim 21, Brewster, Lemelson, and Sutcliffe fail to expressly disclose wherein the step of using the matching server to identify one of the volunteers includes the step of using the matching server to identify volunteers who have already assisted the person making the request for help.
31. However, Official notice is given that integrating a filter into a database matching process was well known and used at the time the invention was made.
32. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the step of using the matching server to identify one of the volunteers includes the step of using the matching server to identify volunteers who have already assisted the person making the request for help, in the

system disclosed by Sutcliffe, in the system disclosed by Lemelson, in the system disclosed by Brewster, for the advantage of providing a method (system, program storage device) of providing help to people with disabilities, with the ability to increase system effectiveness/efficiency, by allowing the user to filter/manage matching profiles.

33. As per Claim 23, Brewster, Lemelson, and Sutcliffe disclose wherein the person making the request needs medicine (type of medical assistance, Fig.3B-3D), and the step of notifying said one of the volunteers includes the step of notifying a second of the volunteers, and comparing the further step of said one and said second of the volunteers cooperating in the retrieval and delivery of medicine to the person making the request (determining best EAS responder, Fig.4).

#### *Response to Arguments*

34. Applicant's arguments filed 3/13/06, regarding Claims 1-4, 6-10, 12-16, 18-21, and 23, have been considered, but are moot based on the new grounds of rejection. The rejection will remain as **Non-Final**.

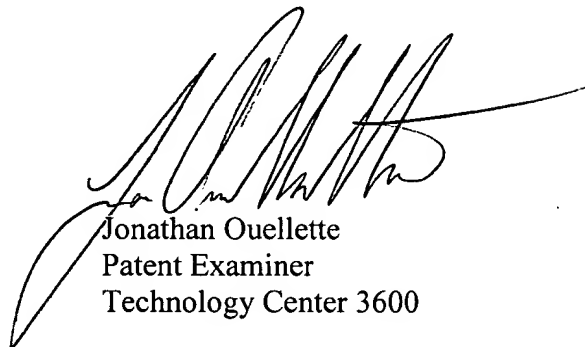
#### *Conclusion*

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

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36. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
37. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

May 19, 2006



Jonathan Ouellette  
Patent Examiner  
Technology Center 3600